

25. (original) The automated cargo loading/unloading system of claim 23, wherein said rollers are located at spaced distances from inner and outer ends of said rigid plate member, so as to form dead spots on said upper surface of said plate member for frictionally arresting longitudinal movement of said palletized cargo proximate said inner and outer ends thereof.

26. (currently amended) The automated cargo loading/unloading system of claim 24, wherein said extensible dock member further comprises:

a plurality of ball bearing members mounted in said beveled ~~outer end~~  
leading edge of said [[eleek]] dock member and protruding slightly above an upper surface thereof for facilitating penetration of said beveled edge under said palletized cargo in a transport vehicle.

REMARKS

The Office Action contained rejections of the claims under 35 USC §§112, 102 and 103. Each will be responded to under the corresponding subheading below.

a. Response to Rejections Under 35 USC §112

Claims 10, 12, 14 and 18-19 were rejected under 35 USC §112, second paragraph, as being indefinite. The specific rejections and Applicant's responses thereto are as follows:

(i) Claim 10 was rejected on grounds of insufficient antecedent basis of limitation "at least one loading/unloading dock" in line 1. Applicant respectfully traverses the rejection. Applicant submits that antecedent basis for the limitation is provided at lines 4-5 of claim 1, from which claim 10 depends.

(ii) Claim 12 was rejected on grounds of insufficient antecedent basis for the limitation “automated cargo loading/unloading system” in line 1. Applicant respectfully traverses the rejection. Applicant submits that antecedent basis for the limitation is provided at line 2 of claim 10, from which claim 12 depends.

(iii) Claim 14 was rejected on grounds of insufficient antecedent basis for the limitation “automated cargo loading/unloading system” in line 1. Applicant respectfully traverses the rejection. Applicant submits that antecedent basis for the limitation is provided at line 2 of claim 10, from which claim 14 depends.

(iv) Claim 18 was rejected on grounds of insufficient antecedent basis for the limitation “loading/unloading conveyer” in line 3. In response to the rejection, Applicant has amended claim 18 at line 2 to replace “said” with –a--. Applicant respectfully submits that the rejection is overcome by the amendment.

(v) Claim 19 was rejected on grounds of insufficient antecedent basis for the limitation “loading/unloading conveyer” in lines 2 and 6. Applicant respectfully traverses the rejection. Applicant submits that antecedent basis for the limitation is provided at line 3 of claim 18, from which claim 19 depends.

Applicant respectfully submits that the rejections of the claims under 35 USC §112 have been overcome by the present amendment. If, however, the Examiner believes that additional corrections are required, the Attorney for Applicant will be pleased to discuss these in a telephone conference with the Examiner and to make additional changes as needed.

In addition to the foregoing, Applicant has amended claim 26 at lines 3-4 to replace “beveled outer end” with –beveled leading edge--, for which antecedent basis is provided in claim 17 from which claim 26 depends, and to replace “clock member” with --dock member—to correct a typographical error.

b. Response to §102 Rejections

Claims 1-6, 9-14, 16-20, 22, 24 and 26 were rejected under 35 USC §102(b) as being anticipated by *Doster et al.* (U.S. 5,325,953). For the reasons explained below, Applicant respectfully traverses the rejection.

In order to anticipate a claim, the reference must teach every element of the claim (MPEP 3121). *Doster* fails to show the elements that are required by Applicant's independent claims 1 and 16, and their respective dependent claims 2-15 and 17-26.

(i) Response to Rejection of Claim 1 and dependents

With regard to claim 1, this is expressly requires a (a) traveling conveyer, and (b) means for selectively moving the traveling conveyer between (i) a location on which it is aligned with the feed conveyer, (ii) locations in which it is lined with the storage racks, and (iii) a location in which it is aligned with the loading/unloading conveyer. *Doster* does not show these elements.

In the Office Action, it was asserted that *Doster* discloses a "traveling conveyer 36, 40, 54 and means for selectively moving traveling conveyer 37." However, the elements 36, 40, 54" in *Doster* are not pieces of a "traveling conveyer", but instead are a series of discreet elements that are positioned in more-or-less linear relationship: "36" is an elevating conveyer belt (column 3, line 46-47) and "54" is a telescoping roller (column 4, line 15), while "40" is a mobile work platform for the loading crew (column 4, lines 30-31). These do not constitute a traveling conveyer that, as an element in itself, is moved between prescribed locations, as is required by Applicant's claims.

Moreover, even if one were to consider *Doster's* elements 36, 40, 54 to be a combination that constitutes a "traveling conveyer", as asserted by the Examiner, *Doster* would still fail to meet the requirements of Applicant's claims. The Examiner has asserted that element 37 in *Doster* constitutes "means for selectively moving [the] traveling conveyer." However, element 37 is merely a hydraulic ram (column 4, lines 12-13) that changes the angle (i.e., inclination) of either the telescoping roller (FIG. 2) or

the elevating conveyer (FIG. 1). The changes of angle serve to maintain the ends of the two sections in alignment with the same elements (i.e., with the “telescoping rollers 24” on one side and the “work platform 40” on the other) while accommodating changes in height, not to move them into alignment with different elements (i.e., the feed conveyer, storage racks, and loading/unloading conveyer) as required by Applicant’s claims.

In short, if one takes the position that the elements 36, 54, 40 in *Doster* together constitute a “traveling conveyer”, then the hydraulic ram 37 constitutes only a means for adjusting the angle of the parts within the “traveling conveyer” and not means for moving the traveling conveyer itself to different locations as required by Applicant’s claims.

In order to anticipate a claim the reference must show every element of the claim. For the reasons explained above, *Doster et al.* fails to show (a) a traveling conveyer and (b) means for selectively moving the traveling conveyer between different locations which is aligned with a feed conveyer, a plurality of storage racks, and a loading/unloading conveyer, as is required by Applicant’s claim 1 and its dependent claims. Applicant therefore respectfully submits that *Doster et al.* fails to anticipate the claims, and requests that the rejection of claim 1-6 and 9-14 under 35 USC §102 be reconsidered and withdrawn.

Furthermore, the dependent claims 2-15 contain additional elements that further distinguish over *Doster*:

Claim 2 recites that the system includes storage racks stacked in tiers at a plurality of elevations. Paragraph 11 of the Office Action asserts that this is disclosed by *Doster* at column 1, lines 7-38; however, this part of *Doster* only describes various prior conveyer systems and states nothing concerning storage racks stacked in tiers at a plurality of elevations.

Claim 3 recites that the traveling conveyer comprises means for elevating the conveyer deck to heights level with the storage racks in the stacked tiers. Paragraph 12 of the Office Action asserts that *Doster* discloses “a traveling conveyer 36, 40, 54” and “means for elevating a conveyer deck 37”; however, element 37 does not raise anything to heights level with storage racks stacked in tiers at a plurality of elevations, which limitation is included in claim 3 by virtue of its dependence from claim 2.

Claim 4 recites that the means for elevating the conveyer deck to highest level with the storage racks in a stack of tiers comprises a scissor jack mechanism. Paragraph 13 of the Office Action asserts that this is shown by element 48 in *Doster*, however, while 48 is in fact a scissors jack, this does not raise anything to heights level with storage racks stacked in tiers at a plurality of elevations, which element is also included in claim 4 by virtue of its dependence from claim 2.

Claim 5 recites that the traveling conveyer comprises (a) a wheeled chassis and (b) at least one track for guiding the wheeled chassis between its locations. Paragraph 14 of the Office Action asserts that this is shown by *Doster* in FIG. 2; however, FIG. 2 only shows wheels on the work platform 40, and there is no evidence that there are any tracks (in point of fact *Doster* states that an operator drives the work platform 40 into a cargo container 60, where no rails would ordinarily be present).

Claim 6 recites that the feed conveyer comprises a branch portion that diverges from the main portion of the feed conveyer “for bringing cargo directly to or from the loading/unloading conveyer without passing to the traveling conveyer.” Paragraph 15 of the Office Action asserts that this is shown by element 64 of *Doster*; however, element 64 is a “fixed roller platform” for receiving cargo (column 5, line 37) that is always positioned in alignment with the “traveling conveyer 36, 40, 54” (see paragraphs 10 and 12 of the Office Action) and therefore cannot convey cargo “without passing to said traveling conveyer” as required by claim 6.

Claim 9 recites that the branch portion of the feed conveyer comprises “a bypass segment” and “means for displacing said bypass segment”. Paragraph 16 of the Office Action asserts that this is shown by element 64 in *Doster*; however, as noted above the roller platform 64 is fixed and *Doster* consequently shows no means of displacing it as required by claim 9.

Claim 10 recites an (a) extensible dock member having an upper surface for supporting a load of palletized cargo, (b) means for extending the dock member so as to carry a load of palletized cargo into and out of the transport vehicle en masse, and (c) means for selectively restraining the load of palletized cargo within the interior of the vehicle as the dock member is withdrawn. Paragraph 17 of the Office Action asserts that

the extensible dock member is shown by element 40 in *Doster*, and that the means for restraining the pallets is shown by element 50; however, if the dock member 40 is a part of the “traveling conveyer 36, 40, 54” (as maintained in paragraphs 10 and 12 of the Office Action) it cannot at the same time constitute the “extensible dock member”, which Applicant’s claims clearly describe as being a different element from the traveling conveyer. Moreover, element 50, which the Office Action asserts as showing means for selectively restraining the pallets as the dock member is withdrawn, is in fact a safety rail for the workmen on the platform that does not make any contact with the cargo and that in any event moves away from the cargo as the work platform is withdrawn.

Claim 11 recites that the extensible dock member includes a “beveled leading edge for sliding under a load of palletized cargo.” Paragraph 18 of the Office Action asserts that this is shown by element 40 of *Doster*; however, element 40 is merely the mobile work platform, and there is no evidence that it includes “a beveled leading edge for sliding under a load of palletized cargo.”

Claim 12 depends from claim 10, and recites that the system further comprises “means for selectively transferring said palletized cargo from said loading/unloading conveyer to said extensible dock member.” Paragraph 19 of the Office Action asserts that this is shown by element 62 of *Doster*. However, element 62 is merely the junction between the end of the elevating conveyer and the telescoping roller section (column 5, 32-36); the juncture 62 therefore does not constitute any means for selectively transferring pallets from the loading/unloading conveyer to a dock member, and furthermore (for the reasons explained above) the mobile work platform 40 cannot constitute both the extensible dock member and a part of the traveling conveyer.

Claim 13 expressly recites that the means for selectively transferring palletized cargo from the loading/unloading conveyer to the extensible dock member comprises (a) “a push plate positioned proximate an inner end of said extensible dock member and on an opposite side of said loading/unloading conveyer therefrom” and (b) “means for selectively extending said push plate so as to push said palletized cargo off of said loading/unloading conveyer and onto said inner end of said extensible dock member.” Paragraph 20 of the Office Action asserts that element 40 of *Doster* shows the push plate

and element 44 shows the means for selectively extending it. However, element 40 is the work platform; and it does not push against the cargo (it supports the workmen), it does not push cargo off of a conveyer and onto a dock member, it is not positioned proximate an inner end of a dock member, and it is not positioned on an opposite side of a loading/unloading conveyer from the dock member, all of which are required by claim 13.

Claim 14 depends from claim 10 and recites that the system further comprises means for selectively transferring palletized cargo from the extensible dock member to the loading/unloading conveyer. Paragraph 21 of the Office Action asserts that this is shown by element 54 of *Doster*. However, element 54 is merely the telescoping roller section leading to the work platform 40; the roller section does not constitute “means for selectively transferring” cargo, and furthermore (for the reasons discussed above) the work platform 40 cannot constitute the extensible dock member in this claim and also be part of the “traveling conveyer 36, 40, 54”).

(ii) Response to Rejection of Claim 16 and dependents

Claim 16 recites (a) an extensible dock member having an upper surface for supporting a load of palletized cargo, (b) means for extending the dock member into the interior of the vehicle so as to carry a load of palletized cargo into and out of the transport vehicle en masse, and (c) means for selectively restraining said the palletized cargo within the vehicle as the dock member is withdrawn. *Doster et al.* does not show this combination of elements.

In paragraph 22 of the Office Action, the Examiner asserted as follows:

With respect to claim 16, referring to FIGS. 1-4 *Doster et al.* disclose an automated loading/unloading system 1 comprising a dock member 40, means for extending dock member (col. 2, lns. 3-15), means for selectively restraining a pallet 50, and a loading/unloading conveyer 24.

Applicant respectfully disagrees. As has been discussed above, element 40 in *Doster* is a mobile platform on which workmen stand, not a dock member that carries a

load of palletized cargo: The platform does not carry the cargo, the workmen standing and walking on it do so, box-by-box (*Doster* FIG. 2). Moreover, the boxes are carried individually and stacked in the interior of the vehicle, rather than being carried en masse as required by Applicant's claim. Furthermore, the "means for selectively restraining a pallet 50" referred to in paragraph 22 of the Office Action is in fact (as discussed above) a safety rail for the workmen, and does not contact or restrain the cargo in any way.

*Doster* thus fails to show the elements that are required by Applicant's independent claim 16. Claims 17-26 depend from claim 16 and include the limitations thereof. Applicant therefore respectfully submits that *Doster* does not anticipate the claims, and requests that the rejection of claims 16-20, 22, 24 and 26 under 35 USC §102(b) be reconsidered and withdrawn.

In addition, the dependent claims contain limitations that further distinguish over *Doster et al.*

Claim 17 recites that the extensible dock member comprises a beveled leading edge for sliding under a load of palletized cargo within the interior of the transport vehicle. Paragraph 23 of the Office Action asserts that this is shown by element 40 of *Doster*; for the reasons discussed above, Applicant traverses this assertion.

Claim 18 recites means for selectively transferring the palletized cargo from a loading/unloading conveyer to the extensible dock member. Paragraph 24 of the Office Action asserts that this is shown by element 62 of *Doster*; for the reasons explained above, Applicant traverses this assertion.

Claim 19 recites that the means for selectively transferring the palletized cargo comprises a push plate positioned proximate an inner end of the extensible dock member and on an opposite side of the loading/unloading conveyer therefrom, and means for selectively extending the push plate so as to push the palletized cargo off of the conveyer and onto the inner end of the extensible dock member. Paragraph 25 of the Office Action asserts that this is shown by element 4 of *Doster*; for the reasons explained above, Applicant traverses this assertion.

Claim 20 recites that the system further comprises means for selectively transferring the palletized cargo from the dock member to the loading/unloading

conveyer. Paragraph 26 of the Office Action asserts that this is shown by element 54 of *Doster*; for the reasons explained above, Applicant traverses this assertion.

Claim 22 recites that the extensible dock member comprises a thin, rigid plate member. Paragraph 27 of the Office Action references claim 22; however, it does not address this limitation (which is not shown by *Doster*) and does not state any basis for rejecting this claim.

Claim 24 recites that the extensible dock member further comprises a plurality of rollers that protrude slightly above an upper surface thereof for enabling the palletized cargo to move longitudinally. Paragraph 28 of the Office Action asserts that “*Doster et al.* disclose a dock member 40 further comprises rollers”; however *Doster* does not show element 40 (the mobile work platform) as having rollers protruding at its upper surface or anywhere else.

Claim 26 recites that the extensible dock member further comprises a plurality of ball bearing members that are mounted in the beveled leading edge and protrude above the upper surface thereof for facilitating penetration under the palletized cargo. Paragraph 29 of the Office Action asserts that in *Doster et al.* the “dock member 40 further comprises ball bearing members”; however, element 40 of *Doster* shows no protruding ball bearing members whatsoever let alone mounted in a beveled leading edge as required by the claim.

For the reasons explained above *Doster et al.* fails to show any of the elements required by Applicant’s claims. *Doster et al.* therefore fails to anticipate Applicant’s claims, and Applicant respectfully requests that the rejections thereof under 35 USC §102 be reconsidered and withdrawn.

c. Response to §103 Rejections

Claims 7-8 were rejected under 35 USC §103(a) over *Doster et al.* in view of *Schmitt* (U.S. 4,195,959). Applicant respectfully traverses the rejection.

As explained above, claim 1 recites limitations that are not shown by *Doster et al.*, including the traveling conveyer and the means for selectively moving the traveling

conveyer between locations. Claims 7 and 8 depend from claim 1 and consequently include the limitations thereof. *Schmitt* is cited only as showing a sweep arm for diverting cargo, and adds nothing to *Doster et al.* that would teach or suggest the foregoing limitations.

In order to establish a *prima facie* case of obviousness, the references when combined must teach or suggest all of the claim limitations (MPEP 2143). *Doster* when combined with *Schmitt* does not teach or suggest all of the limitations of claim 1, from which claims 7 and 8 depend. Applicant therefore respectfully submits that the references do not establish a *prima facie* case of obviousness, and request that the rejection of claims 7 and 8 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 15, 21, 23 and 25 were rejected under 35 USC §103(a) as unpatentable over *Doster et al.* in view of *Harris et al (US 2003/0021670)*. Applicant respectfully traverses this rejection.

Claim 15 depends from claim 1 and therefore includes the limitation thereof. Claims 21, 23 and 25, in turn, depend from independent claim 16 and include the limitations thereof. As has been discussed above, both claims 1 and 16 include limitations that are not shown by *Doster et al.*.

Specifically in claim 1, the limitations include the traveling conveyer and means for moving the traveling conveyer between locations. In claim 16 the limitations include the extensible dock member for carrying a load of palletized cargo into or out of a vehicle en masse, and means for selectively restraining the load within the vehicle as the dock member is withdrawn.

*Harris et al.* was cited as showing a pallet transferring device; however, it actually shows an apparatus for transferring an article onto a pallet, i.e., for placing an item on top of a pallet rather than for transferring the pallet itself. In any event, *Harris et al.* adds nothing to *Doster* that would teach or suggest the foregoing limitations.

The combination of *Doster et al.* with *Harris et al.* consequently fails to show all of the limitations of Applicant's independent claims 1 and 16, from which the rejected claims depend. Applicant therefore respectfully submits that the references fail to

establish a *prima facie* case of obviousness, and requests that the rejection of claims 15 and 21, 23, 25 under 35 USC §103 be reconsidered and withdrawn.

d. Conclusion

Applicant respectfully requests reconsideration of the present application in view of the amendments and remarks set forth herein. It is believed that the claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 11<sup>th</sup> day of August 2005.

Respectfully submitted,

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